

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

~~United States District Court~~
Southern District of Texas
FILED

NOV 12 2016

David J. Bradley, Clerk

United States of America)

V.
Marco Antonio MEDRANO-Gutierrez)
YOB: 1990, COC: Mexico)Case No. M-16-2086-M_____
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 11, 2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 United States Code § 554

Did knowingly and willfully attempt to export or send from the United States, any merchandise, article, or object, to wit: approximately 5,942 rounds of 7.62X39mm caliber ammunition, contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

Approved by AUSA Roberto Lopez

Complainant's signature

Gerardo Mercado, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/12/20164:02 PM

Judge's signature

City and state: McAllen, Texas

Peter Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On November 11, 2016, Homeland Security Investigations McAllen, Texas (HSI McAllen) Special Agents (SAs) and U.S. Customs and Border Protection Officers (CBPOs) referred a light brown Ford pickup truck for an outbound inspection as the vehicle attempted to exit the United States into Mexico at the Hidalgo Port of Entry (HID POE) in Hidalgo, Texas. The driver of the vehicle was later identified as Marco Antonio MEDRANO-Gutierrez from Mexico.

Prior to the inspection, MEDRANO initially provided CBPOs a negative customs declaration. During the inspection, MEDRANO admitted to CBPOs his vehicle was loaded with ammunition. CBPOs discovered approximately 5,942 rounds of 7.62X39mm caliber ammunition concealed within several passenger door panels (natural void) of MEDRANO's vehicle.

HSI SAs conducted a post-Miranda custodial interview of MEDRANO at the HID POE. MEDRANO admitted he purchased the ammunition and concealed the ammunition within his vehicle's door panels in order to smuggle the ammunition from the United States into Mexico. MEDRANO admitted he was aware it is illegal to smuggle ammunition from the United States into Mexico.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), ammunition is determined to be a defense article described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778). The 7.62x39mm ammunition is covered under Category III (a) on the USML.